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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,617	10/22/1999	HIROSHI OMURA	Q56369	9804

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06/06/2003

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EXAMINER

YE, LIN

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 06/06/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/425,617

Applicant(s)

OMURA, HIROSHI

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-6, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. U.S. Patent 5,923,380 in view of Hiroshi JP. Publication 07-303250.

Referring to claim 1, the Yang reference discloses in Figures 1-6, a printer (100 photo unit) comprising: a printing device (printer 104) for printing an image on a recording medium; a driving device (control panel 118) for driving the printing device based on digital image data (captured by CCD image device 106 and 108) (See Col. 5, lines 47-58); and an image processing device (microprocessor 102) for extracting image data pieces representative of a human subject (foreground subject 122) from image data of an image frame, and processing the image data pieces of the human subject such that the human subject is printed on the recording medium, the image processing device replacing other image data pieces (new reselected background) than those of the human subject with blanking data to delete any other subject (background 200) contained in the image frame, wherein the driving device (118) driving the printing device in accordance with image data processed by the image processing device (102), to print the human subject (122) onto the recording medium in the designated with a blanked background (new reselected background)

(See Col. 6, lines 24-38). However, the Yang reference does not explicitly states printing the human subject onto the recording medium in the designated size at the designated position.

The Hiroshi reference discloses in Figures 1-3, an area comparison part 8 conducts comparison from the size and position of the ID photograph which is previously inputted from a photograph size input part 6 and the size of a human area extracted from the CCD. The image is printed in the appropriate size and position for certification is obtained (See Constitution). This would have been obvious to one of ordinary skill in the art at the time to see an advantage to provide a printer system for various-sized certification photograph, capable of automatically magnifying, reducing and moving the image so that a human image is the size appropriate to the size of the certification photograph. For that reason, it would have been obvious to the printer can print the human subject onto the recording medium in the designated size at the designated position disclosed by Yang.

Referring to claims 2-3, the Hiroshi reference discloses that the photograph size input section 6 control the image is printed on the recording medium in a designated frame size (the size of a proof photograph) as shown in Figure 3b (See [0012]). A cutting line surrounding the human subject, the cutting line showing a boundary of a picture frame of a designated frame size as shown in Figure 3d.

Referring to claim 5, the Yang reference discloses the user can operate the printer unit (100) via a control panel 118 for choosing any desirable preselected background (See Col.5, lines 50-53). Inherently, The printer unit should comprise at least two mode selections, one selecting a normal mode for driving the printing device (104) on the basis of the image data of the image frame to print a picture frame corresponding to the image frame, or a second

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mode for driving the printing device on the basis of the image data processed by the image processing device to print a picture frame containing the human subject with the blanked background (new background).

Referring to claim 6, the Yang and Hiroshi references disclose all subject matter as discussed with respected to same comment as with claims 1 and 5. The Hiroshi reference also discloses a selection device (photograph size input section 6) for selecting a kind of the ID photograph to make from among predetermined options, wherein the size and position of the human subject and a picture frame size are automatically designated by the selected kind of ID photograph.

Referring to claim 11, the Hiroshi reference discloses a printer comprising an electronic imaging device (CCD 2) for obtaining digital image data from a subject, and a memory (4) for storing the image data by each frame (See [0010]).

Referring to claim 12, the Yang and Hiroshi references disclose all subject matter as discussed with respected to same comment as with claims 1 and 11.

Referring to claim 13, the Yang and Hiroshi references do not explicitly show the memory unit is built in camera, removably attachable to the camera or an external memory electrically connected to the camera. It would have been obvious to one of ordinary skill in the art at the time to see an advantage to provide more flexible options to user for storing the image data. For this reason, it would have been obvious to the camera system including the memory wherein the memory can be a memory built in the camera, a memory removably attachable to the camera, and an external memory electrically connected to the camera disclosed by Yang.

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Referring to claim 14, the Yang and Hiroshi references disclose all subject matter as discussed with respected to same comment as with claims 1, 6 and 11-12.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. U.S. Patent 5,923,380 in view of Hiroshi JP. Publication 07-303250 and McIntyre U.S. Patent 6,191,815.

Referring to claim 4, the Yang and Hiroshi references discloses all subject matter as discussed in respected in claims 1-3, but except the references do not explicitly show the image processing device can determines how many picture frames can be printed on the same recording medium depending upon the designated frame size and a recording area of the recording medium.

The McIntyre reference discloses in Figures 1 and 5, the digital camera has a image processing device (control unit 32) can control printer device (8) to print multiple different images (42) on the same recording medium as shown in Figure 5 (See Col. 6, lines 43-48). The McIntyre reference is evidence that one of ordinary skill in the art at time to see more advantages for printed multiple different images on the same recording medium so that the recording area of recording medium can be maximum utilized when the each of image frame size is much small than the area of recording medium. For that reason, it would have been obvious to see the digital camera system has image processing device determines how many picture frames can be printed on the same recording medium depending upon the designated frame size and a recording area of the recording medium disclosed by Yang.

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4. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. U.S. Patent 5,923,380 in view of Hiroshi JP. Publication 07-303250 and Douglas U.S. Patent 5,946,031.

Referring claim 7, the Yang and Hiroshi references discloses all subject matter as discussed in respected in claim 1, but the references do not explicitly states the recording medium is an instant film, and the printing device optically prints the image on the instant film.

The Douglas reference discloses in Figures 1, 3 and 5, a photographic apparatus 910) which provides electronic camera operation with a printing capability. The recording medium is an instant film (photosensitive medium 52) (See Col. 5, line4s 10-27). The printing device optically prints the image on the instant film (See Col.7, lines 6-15). The Douglas reference is evidence that one of ordinary skill in the art at the time to see more advantages for using a camera display optically and directly write onto the instant film, because this allow a user to print an image onto photosensitive media without the need for first downloading the image to a computer or other processing unit. For that reason, it would have been obvious to see the printing device optically prints the image on the instant film disclosed by Yang.

Referring to claim 8, the Douglass reference discloses wherein the printing device comprises an LCD panel (82), three color light emission diodes (LED array 104 can be red, green, or blue colors) (See Col. 6, lines 53-65) illuminating the LCD panel from its rear side as shown in Figure 6A, and a printing optical system for projecting an image displayed on the LCD panel toward the recording medium (See Col. 7, lines 6-15).

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Referring to claim 9, the Douglass reference discloses a monitoring device (display 44) for allowing selecting and observing an image to print, wherein the image to print is displayed on the LCD panel and is observed through the monitoring device (See Col. 4, lines 43-48 and lines 57-62).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. U.S. Patent 5,923,380 in view of Hiroshi JP. Publication 07-303250 and Suzuki U.S. Patent 5,847,836.

Referring claim 10, the Yang and Hiroshi references discloses all subject matter as discussed in respected in claim 1, but the references do not explicitly states the printer may be loaded with a battery as a power source.

The Suzuki reference discloses in Figure 3, a printing-built-in image-sensing apparatus has a battery (25) directly connect with printer engine (52) via the switch (25a). The Suzuki reference is evidence that one of ordinary skill in the art at the time to see more advantages for having a battery independently and directly connected with printer so that the printer can be more portable and compact. For this reason, it would have been obvious to see the printer loaded with a battery as a power source disclosed by Yang.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to

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reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

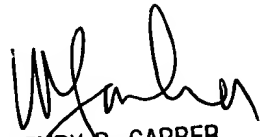
Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Lin Ye
May 29, 2003